

(2006) 07 P&H CK 0086

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. 22139-M of 2006

Gulam Mohammad Beigh

APPELLANT

Vs

Inspector of Customs

RESPONDENT

Date of Decision: July 10, 2006

Acts Referred:

- Customs Act, 1962 - Section 11, 135, 77
- Foreign Exchange Management (Export and Import of Currency) Regulations, 2000 - Regulation 3(1)
- Foreign Trade (Development and Regulation) Act, 1992 - Section 3(3)

Citation: (2006) 202 ELT 784

Hon'ble Judges: Rajive Bhalla, J

Bench: Single Bench

Advocate: Veneet Sharma, for the Appellant; Daya Chaudhary, Assistant Solicitor General of India, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

Rajive Bhalla, J.

Prayer in this petition is, for grant of regular bail in a complaint case, registered under Sections 11, 77 and 135 of the Customs Act, 1962, read with Regulation 3(1)(e) of Foreign Exchange Management (Export and Import of Currency) Regulations, 2000 and Section 3(3) of Foreign Trade (Development & Regulation) Act, 1992, pending in the Court of Chief Judicial Magistrate, Amritsar.

2. The petitioner, was arrested while crossing over to India from Pakistan. Rs. 5.00 lacs Indian currency was recovered from his possession. He was unable to show any documents to justify possession of Rs. 5.00 lacs.
3. Counsel for the respondent states that they would conclude their evidence, within a period of three months, from the next date of hearing.

4. The petitioner claims that he had gone to Pakistan, to arrange funds for his ailing child.

5. Be that as it may, in view of the fact that the petitioner was transporting Indian currency from Pakistan, I am of the considered view that no ground is made out, to release the petitioner on bail.

6. However, in view of the aforementioned statement made by Ms. Daya Chaudhary, Assistant Solicitor General of India, on instructions from Mr. J.P. Singh, Inspector, Customs, Amritsar, the learned trial Court is directed, to make every endeavour, to conclude the trial within a period of three months, from the next date of hearing. In case, the trial does not conclude, within a period of three months, the learned trial Court shall release the petitioner on bail, after taking heavy surety and impose such other conditions, as it may deem appropriate. It is, however, made clear that in case delay in the trial is attributable to the petitioner, he shall not be released on bail.

This petition stands disposed of accordingly.